

REMARKS

Independent claims 1 and 27 now stand rejected under §102(b) as anticipated by Litwin '228, as set forth in sections 2 and 3 of the Office Action. Claims 2-7, 9-12, 22, 28-31, 33, and 33 now stand rejected under §103 as obvious over Litwin '228 in view of Nguyen '839, as set forth in section 5 of the Office Action. Claim 24 stands rejected under §103 as obvious over Litwin '228 in view of McCarthy '826, as set forth in section 6 of the Office Action. Claims 26 and 36 stand rejected under §103 as obvious over Litwin '228 in view of Scroggie '541, as set forth in section 7 of the Office Action.

Applicant respectfully submits that all of the pending claims as amended and presented herein patentably distinguish over Litwin '228 alone or in combination with any of the other cited references, as set forth below.

Independent claim 1 is amended herein to positively set forth that the electronic tag devices are associated with products that are made available for purchase, with each distinct product having at least one electronic tag physically connected thereto. An electronic reading device is configured to retrieve information from the respective electronic tags when the products are presented for purchase. The first computer is in communication with the electronic reading device to retrieve the product identification information stored in the electronic tags at a point of sale of the products. A manufacturer's rebate applies solely as a result of purchase of the product. Thus, it is important to understand that the customer is entitled to the manufacturer's rebate simply for purchasing the product. There are no other conditions attached to the rebate. The customer simply presents the product at the point of sale with the electronic tag attached thereto. The first computer retrieves the product information from the tag and

communicates the rebate claim information to the second computer substantially contemporaneous with purchase of the product. The second computer processes and validates a rebate claim with the rebate claim information, and transfers the status information related to the rebate to the first computer, which communicates the status to the customer. Respectfully, this system configuration is fundamentally unrelated to the type of system described and enabled in Litwin '228.

Litwin '228 describes a system wherein customers are "awarded" for advertising products. In particular, an advertisement display 100, such as a bumper sticker, is affixed to a person's vehicle 106. The display 100 includes an identification portion 104, which may be a barcode or other computer scannable code. When the vehicle drives into a participating retail establishment, such as a gas station, a scanner at the establishment identifies the presence of the display 100. Then, in response to the particular identification code 104 and subsequent communication with a database computer system 214, the person may receive a discount towards the purchase of a product at the establishment, such as a discount on gas at a gas station. It is important to understand that, with this type of incentive or award program for displaying an advertisement, the customer is not entitled to a manufacturer's rebate that attaches to the product and solely as a condition of purchasing the product. In other words, a person cannot drive into the gas station and receive a manufacturer's rebate on gas simply because they purchase gas. The product (i.e. gas) does not have an electronic tag attached thereto containing product rebate information that is processed for a rebate at the time of purchase. The only "tag" or other identification information in the system of Litwin '228 is the code 104 contained in the advertisement display 100. This code

104 does not constitute an electronic tag that is physically connected to products being purchased at a point of sale. In fact, Litwin '228 describes the award as "compensation" for the advertisement services (column 5, lines 32-51). At column 4, lines 1-8, Litwin '228 describes the incentive as "a cash discount" and "a rebate." However, it is absolutely clear from a complete consideration of the reference in its entirety that the person is actually receiving compensation for displaying the advertisement display 100, and that such compensation has absolutely nothing to do with a manufacturer's rebate that attaches to a particular product solely as a condition of purchasing the product.

Accordingly, applicant respectfully submits that the system of independent claim 1 patentably distinguishes over Litwin '228, and is allowable. Claims 2-7, 9-12, 22, 24, and 26 only further patentably define the system of independent claim 1, and are allowable for at least the reasons set forth above in the discussion of claim 1.

The method of independent claim 27 is amended herein to more patentably define and distinguish the method associated with the system as described above with respect to claim 1. Applicant respectfully submits that independent claim 27 patentably distinguishes over Litwin '228 for essentially the same reasons as discussed above with respect to claim 1. Claims 28-33, 35, and 36 only further patentably distinguish the unique method of claim 27, and are allowable for at least the reasons claim 27 is allowable.


With the present Amendment, applicant respectfully submits that all pending claims patentably distinguish over Litwin '228 alone or in combination with any of the other references cited in the §103 obviousness rejections of the dependent claims. Applicants have carefully considered the additional references, including Scroggie '541,

McCarthy '826, and Nguyen '839, and such references do not correct the deficiencies discussed above with respect to the base reference Litwin '228.

With the present Amendment, applicant respectfully submits that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information. Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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